IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20977 of 2004

Between:

1 Mona S.Reddy, D/o.Dr.D.Sadasiva Reddy,
Pulivendla, Kadapa District.
2 Sona Devi Reddy, W/o.M.Sreenivasa Mahendra
rep.by her father & G.P.A. Holder Dr.D.Sadasiva Reddy, Pulivendla,

Kadapa District.

... PETITIONERS

AND

1 The Collector, Hyderabad District, Hyderabad.
2 The Mandal Revenue officer, Khairatabad Mandal, Venkatramana Colony, Hyderabad.
3 The Commissioner, Hyderabad Municipal Corporation, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly writ of Mandamus directing the respondents not to insist for "No objection certificate" in respect of open land within the compound of H.No.8-2-469/1, an extent of 568 sq.yards (474.90 sq.Metres) belonging to first

petitioner and 565 sq.yards (472.40 sq.Metres) belonging to second petitioner situated at Road No.5, Banjara Hills, Hyderabad as a precondition to enable them to proceed with construction of a house in the said land.

Counsel for the Petitioner: MR.M.N.NARASIMHA REDDY

Counsel for the Respondents 1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: Mrs. G. Jyothi Kiran

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioners and also the learned standing counsel appearing on behalf of the respondents.

2. The only complaint in this writ petition is that respondents are not receiving the application of the petitioner seeking building permission and insisting for 'No Objection Certificate'.

3. This Court in **DISTRICT COLLECTOR V N.KRISHNA MOHAN** categorically held that obtaining No Objection Certificate from the Collector arises only when any law presupposes. Mere circular or executive order informing the petitioners to obtain No Objection Certificate along with the application filed seeking sanction of permission to construct a building is not at all warranted. This Court while reiterating the same in **HYDERABAD POTTERIES PRIVATE LIMITED V DISTRICT COLLECTOR, HYDERABAD** categorically held that sanction for grant of permission to construct a building is conferred upon the Commissioner of Municipal Corporation to consider the same by taking into consideration the documents filed by the applicant along with the application, including the permission already granted by the Corporation to the applicant earlier. The Commissioner shall not reject the application of the petitioner solely on the basis of an objection purported to have been raised by the District Collector. The objections, if any raised, will also be taken into consideration with the relevant material on record. The Commissioner shall not reject the application of the petitioner for grant of permission solely on the basis of entries said to have been made in TSLR are not accompanied by any No Objection Certificate

from the revenue officials. The said view is also upheld by the Division Bench in W.A.No.1096 of 2001 dated 24.12.2001.

4. In view of the same, the respondent-Municipality is directed to receive the application of the petitioner for
building permission without insisting on the 'No Objection Certificate' from the revenue officials and consider the same and pass appropriate orders in accordance with law within four weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.

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A. **GOPAL REDDY, J**

November 17, 2004

MRR

To:

1 The Collector, Hyderabad District, Hyderabad.
2 The Mandal Revenue officer, Khairatabad Mandal, Venkatramana Colony, Hyderabad.
3 The Commissioner, Hyderabad Municipal Corporation, Hyderabad.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5 Two C.D. Copies.